

August 16, 2017

*Via email to [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)*

PETERSON  
WAMPOLD  
ROSATO  
FELDMAN  
LUNA

Susan L. Carlson, Clerk  
Washington State Supreme Court  
P.O. Box 40929  
Olympia, WA 98504

**Re: Proposed ER 413 – Admissibility of Immigration Status**

Dear Ms. Carlson:

We are writing as a firm to support the implementation of new Rule of Evidence 413 into law.

As a plaintiffs' firm that deals primarily with individuals suffering from significant loss or trauma, we at PWRFL are especially sensitive to the impact that a person's immigration status can have on their ability to access the justice system under such strained circumstances.

Fear of arrest or deportation should never be a consideration that silences a witness to a crime or an egregious tort. It should not prevent a mother from seeking a protection order against an abuser or discourage a civil plaintiff from seeking justice against a tortfeasor. Unfortunately, such fear is not only a consideration, it is sometimes used as a tool by attorneys in both criminal and civil cases to dissuade witnesses and parties from participating in the justice system altogether. Indeed, all of us here at PWRFL have personal experiences with clients and witnesses whose immigration status has prevented them – either legitimately or through their own misconception – from accessing or fully participating in the justice system. Currently, the law provides no set proscription to limit the admissibility of such evidence.

An Evidence Rule that expressly prevents attorneys from exploiting or capitalizing on this fear would go a long way toward ensuring that those who are most marginalized can still seek the protection of the justice system both in the criminal and civil arena, and toward encouraging their participation in the same. ER 413 provides such a protection, while still ensuring that the constitutional rights of parties are protected where there is a showing that an individual's immigration status is material.

ATTORNEYS

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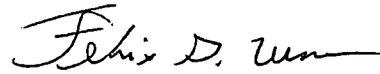
As civil plaintiffs' lawyers who regularly represent individuals from *all* walks of life, we wholeheartedly support the implementation of ER 413 into law

Very truly yours,

PETERSON | WAMPOLD  
ROSATO | FELDMAN | LUNA



Jan Eric Peterson



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Michael S. Wampold



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Ann H. Rosato



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## Tracy, Mary

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Wednesday, August 16, 2017 1:37 PM  
**To:** Tracy, Mary  
**Subject:** FW: Proposed ER 413  
**Attachments:** ER 413 letter to Washington Supreme Court.pdf

Forwarding

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**From:** Mary Monschein [mailto:mary@pwrfl-law.com]  
**Sent:** Wednesday, August 16, 2017 1:31 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Proposed ER 413

Please see the attached letter.

*Mary*

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